



JAMES C. GARDNER
Chairman

JOEL L. KEITH
Commissioner

ROBERT A. HAMILTON
Administrator

KEVIN M. GREEN
Commissioner

Jewel Entertainment LLC

July 07, 2015

T/A Label Charlotte
900 NC Music Factory Blvd Suite B6
Charlotte, NC 28206

Dear Permittee,

NOTICE OF ALLEGED VIOLATION

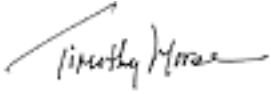
A complaint has been filed with the Commission claiming the following violations of the State Alcoholic Beverage Control laws:

1. Permittee's employee, Nick Spain, knowingly allowed violations of the controlled substance statutes (to wit; Possession of Marijuana, a Schedule VI Controlled Substance) to occur upon the licensed premises, on or about February 28, 2015, at 1:00 AM, in violation of G.S. §18B-1005(a)(3), G.S. 90-94 and G.S. 90-95.
2. Permittee, Jewel Entertainment, LLC, through their interest holders, Robert Ortiz and Lisa Bennett, failed to superintend in person or through a manager the business for which a permit was issued, on or about February 28, 2015, at 1:00 AM, in violation of G.S. §18B-1005(b).
3. Permittee's employee, Brandon Rood, knowingly allowed fighting or other disorderly conduct that could have been prevented without undue danger to the permittee, his employees or his patrons, on or about February 28, 2015, at 7:11 PM, in violation of G.S. §18B-1005(a)(2).
4. Permittee's employee, Brandon Rood, allowed a person who is not a member or a guest of a member to purchase or possess alcoholic beverages on the premises, on or about February 28, 2015, at 7:11 PM, in violation of ABC Commission Rule 4 NCAC 2S.0234(a)(1).
5. Permittee's employee, Brandon Rood, knowingly allowed violations of the controlled substance statutes (Possession of Marijuana, a Schedule VI Controlled Substance) to occur upon the licensed premises, on or about February 28, 2015, at 7:11 PM, in violation of G.S. §18B-1005(a)(3), G.S. 90-94 and G.S. 90-95.
6. Permittee's employee, Brandon Rood, failed to keep the licensed premises clean, arranged and well-lighted to allow ready access and observation by enforcement officers and to avoid any undue hazards to patrons, on or about February 28, 2015, at 7:11 PM, in violation of ABC Commission Rule 4 NCAC 2S.0215(b).
7. Pursuant to G.S. 18B-904(e), the location occupied by the permittee is no longer suitable to hold ABC permits or the operation of the business with an ABC permit at that location is detrimental to the neighborhood due to: incidents involving large groups of patrons fighting inside and outside the premises; disturbances involving guns; patrons wounded by gunfire on the licensed premises; numerous assaults, including assault upon a law enforcement officer; numerous break-ins to patron vehicles; repeated incidents involving intoxicated patrons; use of controlled substances upon the licensed premises; failure of the permittee to operate the business, a Mixed Beverages Private Club [G.S. 18B-1000(5)], as required by the ABC laws; these events and omissions occurring during the period from, on or about, November 10, 2012 through the present, and imposing an undue burden upon law enforcement and emergency medical services.

TO SETTLE this case [pursuant to NCGS §18B-104(b)], you **MUST sign, date, and return one copy** of the enclosed "Proposed Stipulation and Offer in Compromise" before July 28, 2015. **By settling this case, you give up your right to a hearing.** This is a proposed settlement that must be approved by the ABC Commission at its meeting on August 12, 2015.

If you DO NOT RESPOND, the case will be Petitioned for a hearing before an Administrative Law Judge, where the Commission will ask for a monetary penalty AND a suspension. Please call the attorney listed below before July 28, 2015, if you have questions.

Sincerely,



Tim Morse

Assistant Agency Counsel

Phone: 919-779-8333

Enclosures

ALE District VI

cc: ABC Officer TW Long, Mecklenburg ABC Board

Mecklenburg ABC Board

Audit Division

Jewel Entertainment LLC
T/A Label Charlotte
900 NC Music Factory Blvd Suite B6
Charlotte, NC 28206
Mecklenburg County

**PROPOSED STIPULATION and
OFFER IN COMPROMISE**

It is stipulated and agreed by the undersigned party, *subject to ratification by the full ABC Commission*, that:

The permittee holds the following permits issued by this ABC Commission on November 13, 2013,
Malt Beverage On Premise
Unfortified Wine On Premise
Mixed Beverages Private Club

The permittee has **previous ABC violation(s)** as stated below:

Offer in Compromise - 20-day suspension, suspended upon payment of \$2,000.00 on charges of Open to the public and Controlled substance on April 14, 2014 [December 10, 2014 CM].

The **pending ABC violation(s)** to be settled by this Proposed Compromise is/are as follows:

1. Permittee's employee, Nick Spain, knowingly allowed violations of the controlled substance statutes (to wit: Possession of Marijuana, a Schedule VI Controlled Substance) to occur upon the licensed premises, on or about February 28, 2015, at 1:00 AM, in violation of G.S. §18B-1005(a)(3), G.S. 90-94 and G.S. 90-95.
2. Permittee, Jewel Entertainment, LLC, through their interest holders, Robert Ortiz and Lisa Bennett, failed to superintend in person or through a manager the business for which a permit was issued, on or about February 28, 2015, at 1:00 AM, in violation of G.S. §18B-1005(b).
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4. Permittee's employee, Brandon Rood, allowed a person who is not a member or a guest of a member to purchase or possess alcoholic beverages on the premises, on or about February 28, 2015, at 7:11 PM, in violation of ABC Commission Rule 4 NCAC 2S.0234(a)(1).
5. Permittee's employee, Brandon Rood, knowingly allowed violations of the controlled substance statutes (Possession of Marijuana, a Schedule VI Controlled Substance) to occur upon the licensed premises, on or about February 28, 2015, at 7:11 PM, in violation of G.S. §18B-1005(a)(3), G.S. 90-94 and G.S. 90-95.
6. Permittee's employee, Brandon Rood, failed to keep the licensed premises clean, arranged and well-lighted to allow ready access and observation by enforcement officers and to avoid any undue hazards to patrons, on or about February 28, 2015, at 7:11 PM, in violation of ABC Commission Rule 4 NCAC 2S.0215(b).
7. Pursuant to G.S. 18B-904(e), the location occupied by the permittee is no longer suitable to hold ABC permits or the operation of the business with an ABC permit at that location is detrimental to the neighborhood due to: incidents involving large groups of patrons fighting inside and outside the premises; disturbances involving guns; patrons wounded by gunfire on the licensed premises; numerous assaults, including assault upon a law enforcement officer; numerous break-ins to patron vehicles; repeated incidents involving intoxicated patrons; use of controlled substances upon the licensed premises; failure of the permittee to operate the business, a Mixed Beverages Private Club [G.S. 18B-1000(5)], as required by the ABC laws; these events and omissions occurring during the period from, on or about, November 10, 2012 through the present, and imposing an undue burden upon law enforcement and emergency medical services.

Based upon the foregoing stipulation and in accordance with the provisions of NCGS §18B-104(b), the permittee makes the following Proposed Offer in Compromise in lieu of any other or further penalty:

Permittee shall surrender ALL ABC permits for cancellation on or before September 11, 2015.

This the _____ day of _____, 2015.
(day) (month)

Signature(for the Permittee)

____ ABC Counsel's Assent

DO NOT send payment or begin the suspension until **AFTER** receiving the Final Agency Decision.

Sign, Date and Return one (1) copy before July 28, 2015.